

EXHIBIT "A"

LEGAL

MAY 29 2018

CENTRAL INTAKE

IN THE COURT OF COMMON PLEAS
OF PIKE COUNTY, PENNSYLVANIA

MALBA DRRUTIA

Plaintiff,

v.

Wal-Mart Stores, Inc. and
Wal-Mart Stores East, LP

Defendants

No. 630-2018-cv01

Jury Trial Demanded

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED OR NO FEE.

Pike County Commissioners
506 Broad Street
Milford, Pennsylvania 18337
(610) 296-7744

IN THE COURT OF COMMON PLEAS
OF PIKE COUNTY, PENNSYLVANIA

NAIMA URRUTIA

Plaintiff,

v.

Wal-Mart Stores, Inc. and

Wal-Mart Stores East, LP

Defendants

No. 630-2018-CIVIL

Jury Trial Demanded

COMPLAINT

AND NOW COMES the Plaintiff, NAIMA URRUTIA, by her attorneys, THE LAW OFFICE OF CHARLES KANNEBECKER and SOBO & SOBO, L.L.P., and hereby complain of Defendants as follows:

1. Plaintiff, NAIMA URRUTIA, brings this action individually for damages she suffered for the pain, suffering, and inconvenience caused by a slip and fall accident.

2. Plaintiff, NAIMA URRUTIA, is an adult individual, sui juris.

3. Defendants Wal-Mart Stores, Inc. and Wal-Mart Stores East, LP at all times material hereto, were and still are business entities doing business within the State of Pennsylvania.

JURISDICTION AND VENUE

4. Jurisdiction exists as against the Defendants as Defendants at all times material hereto, were and still are business entities doing business within the State of Pennsylvania and is the location at which the fall that is the subject of this action occurred.

5. Venue is proper as the Defendants, at all times material hereto, were and still are business entities doing business within the State of Pennsylvania and is the location at which the fall that is the subject of this action occurred.

6. At all times relevant hereto, Defendants Wal-Mart Stores, Inc. and Wal-Mart Stores East, LP were and are business entities which were in possession, custody, control, occupation, maintenance and operation of a Walmart retail store located at 220 Route 6 & 209 in Westfall, Pennsylvania at which Plaintiff suffered injury as set forth below.

7. The premises and property owned, utilized, occupied, possessed, controlled, maintained and operated by the defendants Wal-Mart Stores, Inc. and Wal-Mart Stores East, LP was open to and used by the general public including plaintiff, at all times on or about May 21, 2016.

8. That on or about May 21, 2016, the plaintiff entered

only the premises owned, utilized, occupied, possessed, controlled, maintained and operated by the defendants for the purpose of shopping and purchasing goods from the defendants.

9. At all times relevant hereto on or about May 21, 2016, Defendants Wal-Mart Stores, Inc. and Wal-Mart Stores East, LP, by and through their agents, employees, and/or servants, were both negligent and also permitted a defective and dangerous condition to remain on the premises and property.

10. The aforesaid defective and dangerous condition consisted in the form of an extremely slick, green substance inside the front door on the floor of the Wal-Mart store.

11. At all times relevant hereto on or about May 21, 2016, Plaintiff was severely injured when the aforementioned defective and dangerous condition caused plaintiff to fall to the ground and sustain serious injuries to her left ankle requiring surgery, left knee requiring surgery, neck and back requiring multiple surgeries in her spine in the form of spinal injections.

12. That the dangerous and defective condition which caused Plaintiff's fall on May 21, 2016 occurred on the property and premises owned, utilized, occupied, possessed, controlled, maintained and operated by the defendants.

COUNT 1

NAYMA URRUTIA v. WALMART INC. and Wal-Mart Stores East, LP

13. Plaintiff hereby repeats all prior paragraphs of this Complaint as if more fully set forth within this Count.

14. The aforesaid falling upon the premises and property by Plaintiff was a direct and proximate result of the carelessness and negligence of Defendants Wal-Mart Stores, Inc. and Wal-Mart Stores East, LP acting by and through their agents, employees, and/or servants.

15. The carelessness and negligence of Defendants, acting by and through its agents, employees, and/or servants, consisted of the following acts and omissions:

- a. In causing and/or permitting Plaintiff to slip and fall on a slippery, green substance near the store entrance;
- b. Allowing a defective and dangerous condition, consisting of a slick, green substance at the entrance of the Walmart store to remain on the premises despite having constructive and/or actual notice of that condition;
- c. Failing to give proper warning of the defective and dangerous condition of the entrance of the Walmart store;
- d. Failing to exclude persons from the proximity of the defective and dangerous entrance of the Walmart store through use of a barrier;
- e. Failing to give warnings to individuals, including Plaintiff, of the defective and dangerous condition of the entrance of the Walmart store;
- f. Failing to use signs, flags, or other visual

indicia to warn individuals, including Plaintiff, of the defective and dangerous condition;

- g. Failing to properly supervise agents, employees, and/or servants charged with the task of constructing, building, assembling and/or maintaining the store, including the aforesaid entrance of the Walmart store, in a safe condition for individuals on the premises, including Plaintiff, and failure to otherwise exercise due care and caution under the circumstances;
- h. Failing to properly train and/or instruct its agents, employees, and/or servants;
- i. Failing to train and/or instruct its agents, employees, and/or servants of the importance of warning individuals, including Plaintiff, of defective and dangerous conditions existing upon the premises, and maintaining the premises and the entrance of the Walmart store;
- j. Failing to properly monitor, maintain, and/or observe its premises for the purpose of ensuring that they were in a safe and operable condition for business invitees such as Plaintiff;
- k. Failing to ensure that the premises, including the entrance of the Walmart store, was maintained in a safe condition and with all safety features so as to render the premises safe for persons such as Plaintiff;
- l. In acting with reckless disregard for the safety of others.

16. Defendants, through the negligence, acts and omissions of their agents, employees, and servants as aforesaid, and through their failure to otherwise use due care under the circumstances, are solely and wholly at fault for causing the incident in which Plaintiff was injured and for consequential injuries that are the subject of this

fact.

17. The severe and permanent injuries suffered by Plaintiff were solely and wholly the result of the aforesaid incident and, as such, were the direct and proximate result of the carelessness and negligence of the Defendants and Defendants' agents, employees, and servants.

18. As a direct result of the slip and fall, Plaintiff, NAIMA URRUTIA, sustained serious, severe and painful injuries to and about her body, including but not limited to her left ankle and other injuries that discovery may reveal.

19. Plaintiff, NAIMA URRUTIA's, injuries were caused solely by the negligent and careless acts of the Defendants.

20. As a direct and proximate result of the sole negligence of the Defendants as aforesaid, the Plaintiff, NAIMA URRUTIA, has experienced great pain and suffering, embarrassment, anxiety and humiliation and will continue to do so into the future.

21. As a direct and proximate result of the sole negligence of the Defendants as aforesaid, the Plaintiff, NAIMA URRUTIA, has incurred expenditures for her care and treatment including hospital and physician services, x-rays, MRI's, medications, treatment and pharmaceutical supplies and will continue to do so into the future.

22. As a direct and proximate result of the sole

negligence of Defendants as aforesaid, the Plaintiff, NAIMA ORRUTIA, has suffered a loss of the enjoyment of life's ordinary pleasures, as well as a curtailment of her daily avocations and pleasures, all to her great detriment.

WHEREFORE, Plaintiff NAIMA ORRUTIA demands judgment against Defendants Wal-Mart Stores, Inc. and Wal-Mart Stores East, LP for the full amount of her damages as aforesaid in an amount in excess of \$40,000.00, together with all costs and disbursements.

Respectfully Submitted,



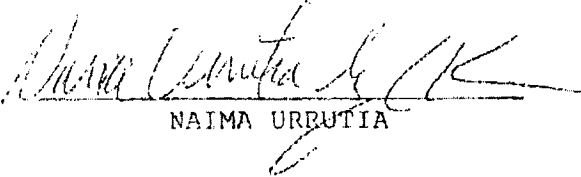
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VERIFICATION

I, NAIMA UREUTIA, certify that I have read the foregoing Complaint and that the facts contained therein are true and correct to the best of my knowledge, information and belief.

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.


NAIMA UREUTIA